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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,235	01/08/2001	Denis Serenyi	04860.P2535X	6701

7590 05/16/2005

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EXAMINER

HARRELL, ROBERT B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,235

Applicant(s)

SERENYI ET AL.

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/2004 et al.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 24-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/8/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040816.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: see attached Office Action.

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1. Claims 1-23 are presented for examination with claims 24-33 withdrawn from further consideration as non-elected claims.

2. The applicant's election of Group I (claims 1-23) is hereby acknowledged. Since the applicant failed to rebut the rejection requirement mailed July 22, 2004 with arguments, the election is treated as an election without traverse. The restriction requirement is hereby incorporated in this action by reference and continued as FINAL. Since allowable subject matter is herein unannounced below, cancellation of non-elected claims are required or other actions as outlined in 35 U.S.C., 37 C.F.R., and/or the MPEP.

3. The title of the invention is not descriptive of the invention as defined within the claims. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The first page of this application specification is missing from the file history and thus a duplicate copy is required to be fully responsive to this Office Action. Thus the Specification is stands objected to as failing to be complete.

5. Figure 1a is indicated on page 7 (line 5-6) of the specification to be Prior Art and yet no such label has been embossed thereon. Thus, a Draftsman's Letter is required, to be fully responsive to this Office Action, correcting figure 1a to correspond to that of page 7 (line 5-6) of the specification of this application. Thus the Drawings stand objected to as failing to corresponding with the Specification.

6. Since allowable subject matter is herein indicated, a complete set of FORMAL DRAWINGS are required to be fully responsive to this Office Action.

7. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM (see page 12 QuickTime), and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

8. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-23 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

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- a) "the streaming media data"--claim 1 (lines 5,7,8, et seq.)[*note lines 1 and 3 "streaming media data" one and the same?];
- b) "the request"—claim 7 (lines 3-4)[*note lines 2 and 3 "a request" which one?];
- c) "the server"—claim 14 (line 2);
- d) "the caching proxy server"—claim 19 (line 2).

10. As to 9 (a-c) above, these are but a few examples of numerous cases where clear antecedent bases are lacking and not an exhausting recital. There are *MANY* others. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent bases also is indefinite for the reasons outlined in this paragraph. Also, these are but a few examples where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introduction of a term, or changes in tense, results in a lack of clear antecedent bases for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent bases are lacking can be viewed as non-responsive. Nonetheless, should a response yield all claims allowable short *a few* cases where clear antecedent bases are lacking within the claims, a preemptive authorization to enter an examiner's amendment to the record to correct such would accelerate a notice of allowance over a final rejection. Such could be added at the end of an applicant's response with the following statement: "Examiner is hereby authorized, without the need of further contact by examiner, to enter an Examiner's Amendment to correct any cases where antecedent bases are lacking." if the applicant so elects. This does not diminish the applicant's requirement to correct all such cases not so listed in the example few given above nor prohibit any amendments after a notice of allowance by the applicant.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

12. Claims 1-12, and 14-23 are rejected under 35 U.S.C. 102 (e) as being anticipated by Bhagavath et al. (US 6,505,169 B1)

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13. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions nor who performs such acts and/or functions.

14. Per claim 1, Bhagavath taught a method (e.g., see Title) of producing a representation of a streaming media data (e.g., see Title) at a caching proxy server (e.g., see figure 1 (121)), the method comprising:

- a) transmitting a request for streaming media data to be delivered to the caching proxy server (e.g., see col. 3 (line 15-et seq.));
- b) transmitting a request for data associated with the streaming media data, the request including an identifier which represents one of several possible types of data associated with the streaming media data (e.g., see col. 3 (line 28-et seq.));
- c) receiving the streaming media data and storing the streaming media data on a storage device which is capable of being controlled by the caching proxy server (e.g., see col. 4 (line 66-et seq.)); and,
- d) receiving the data associated with the streaming media data in a body of a packet (e.g., see col. 3 (line 29 "packet")).

15. Per claim 2, while "RTP" was not put to paper by pen such was metadata as covered in the Abstract.

16. Per claims 3-5, such is standard in a metadata packet and compression is normal, specifically over modems.

17. Per claim 6, see col. 3 (line 29) "packet:".

18. Per claims 7-12 and 14-23, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

19. Claim 13 is allowable over the art of record since there is no teaching nor remote hint of stripping a name and ID of the data packet header.

20. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The

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examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (571) 272-3896. The fax phone number for all papers is (703) 872-9306.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read "Robert B. Harrell", is written over the printed name.

ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142